IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

TUESDAY, THE 2ND JANUARY 2007 / 12TH POUSHA, 1928.

WP(C).No. 106 of 2007(K)

PETITIONER:
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1. SANGEETHA, D/O.KALLIYAT CHALAI
   SADANANDAN, HINDU, AGED 40, BRINDAVAN, THYCAUD,
   THIRUVANANTHAPURAM.

2. KALLIYAT CHALAI SADANANDAN,
   S/O.ACHUTHAN, HINDU, AGED 65, THIRUVANGODU,
   THALASSERY, KANNUR DISTRICT.

BY ADV. SRI.M.RAMASWAMY PILLAI
SRI.P.M.JOSEPH

RESPONDENTS:

1. THE STATE OF KERALA, REPRESENTED BY ITS
   FINANCIAL SERCRETARY, GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

2. THE KERALA STATE FINANCIAL ENTERPRISES,
   REPRESENTED BY ITS BRANCH MANAGER, PEROORKKADA,
   THIRUVANANTHAPURAM.

3. THE DISTRICT COLLECTOR,
   COLLECTROATE, KANNUR DISTRICT.

4. THE SPECIAL DEPUTY TAHSILDAR (RR),
   K.S.F.E. LTD., KASSER COMPLEX,
   CALTEX, KANNUR 2.

5. THE VILLAGE OFFICER,
   THIRUVANGODE VILLAGE, THALASSERY TALUK,
   KANNUR DISTRICT.

S.C. SRI. RAJU JOSEPH.

GOVT. PLEADER SRI. M.A. FAYAZ.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/01/2007, ALONG WITH W.P.(C) 109/2007 & CON. CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R. RAMAN, J.

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W.P.(C) NOs. 106. 109, 128 & 170/2007

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DATED THIS, THE 2ND DAY OF JANUARY, 2007.

J U D G M E N T

Petitioners are same in all these writ petitions. The first petitioner is the principal debtor and the second petitioner is a guarantor. The first petitioner was a subscriber in two chitties and she has also availed two loans. For recovery of a total amount of Rs. 5,01,199/- + interest which is due and payable to the Kerala State Financial Enterprises, demand notices are served on the petitioners under the Revenue Recovery Act. The limited prayer made by the petitioners is that they may be enabled to pay the outstanding dues in easy installments.

2. Heard the learned standing counsel appearing for the K.S.F.E. as also the Government Pleader. The learned standing counsel has no objection in granting installment facility, provided the petitioners will be prompt in paying the same.

3. In the circumstances, there will be a direction that if the petitioners pay the dues at the rate of Rs. 75,000/- (seventy five thousand) per month

starting from 27.1.2007 until the entire liability is wiped off, coercive steps pursuant to the revenue recovery notices issued will stand deferred. Once the petitioner pays the amount without default and pays off the entire dues, the K.S.F.E. shall accordingly, inform the Revenue Recovery Authorities withdrawing the recovery proceedings. However, in case of default, it will be open to the K.S.F.E. to inform the Revenue Recovery Authorities to proceed with the recovery proceedings. I make it clear that in case of default in compliance of this order, petitioner will loose the benefit of this judgment and the respondents shall be at liberty to proceed for recovery of the amount in a lump.

The writ petitions are disposed of as above.

P.R. RAMAN,
(JUDGE)

knc/-